



City of Whittier

CITY CLERK-TREASURER DEPARTMENT

13230 Penn Street, Whittier, California 90602-1716
(562) 567-9850 Fax (562) 567-2870 www.cityofwhittier.org

September 4, 2013

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Ms. Sachi A. Hamai
Executive Officer
Board of Supervisors
Los Angeles County
Kenneth Hahn Hall of Administration
500 W. Temple Street, Room 383
Los Angeles, CA 90012

75 October 8, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Ms. Hamai:

The City of Whittier requests that the Los Angeles County Board of Supervisors approve consolidation of a Special Municipal Election called for June 3, 2014 with the Statewide Primary Election scheduled for the same date. Enclosed are certified copies of the following resolutions adopted by the Whittier City Council.

Resolution No. 8575: A Resolution of the City Council of the City of Whittier, California, calling for the holding of a Special Municipal Election on Tuesday, June 3, 2014, for submitting to the voters a charter amendment establishing a directly elected mayor position and district based Council Members.

Resolution No. 8576: A Resolution of the City Council of the City of Whittier, California, requesting the Board of Supervisors of the County of Los Angeles consolidate a Special Municipal Election to be held on June 3, 2014, with the statewide primary election to be held on the date pursuant to §10403 of the elections code.

Please let me know if any additional information is needed to consider this request. My telephone number is (562) 567-9850. Thank you.

Sincerely,

Kathryn A. Marshall
City Clerk-Treasurer

Enclosures: Resolution Nos. 8575 and 8576, certified copies

RESOLUTION NO. 8575

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 3, 2014, FOR SUBMITTING TO THE VOTERS A CHARTER AMENDMENT ESTABLISHING A DIRECTLY ELECTED MAYOR POSITION AND DISTRICT BASED COUNCIL MEMBERS

WHEREAS, Whittier's City Charter, enacted in 1957, provides for five city council members to be elected at large, with staggered terms of office, at municipal elections held on the second Tuesday in April of even numbered years;

WHEREAS, both state and federal law have changed since the adoption of the City's Charter, requiring a variety of actions to ensure fair and equal access to the electoral system by all citizens;

WHEREAS, the City takes special steps at each City election to ensure compliance with the federal and California Voting Rights Act, including establishing a Voting Rights Act Advisory Committee to review and implement a program of outreach to all eligible voters, preparation and distribution of ballot materials, registration and vote-by-mail materials, and election related information in several languages, publicizing the city elections, and promotion of registration and voting by all those eligible;

WHEREAS, after each municipal election, the City Clerk-Treasurer prepares a report to Council describing outreach, education and Voting Rights Act compliance measures taken for that election, detailing the more than forty program goals to increase registration, voting access, bilingual ballots and services, and to promote voting by each and every eligible resident of the City;

WHEREAS, the City Council has acted to enhance the City's voter outreach and Voting Rights Act compliance and has monitored both the City's program and election turnout and results to ensure that all Whittier citizens are equally able to participate in City elections and elect candidates of their choosing;

WHEREAS, Whittier citizens have recently raised concerns about whether the City's electoral system violates the California Voting Rights Act;

WHEREAS, the City Council committed to and did study the issue in detail, and as a result of that study, have determined to propose a ballot measure before the City's voters to decide whether to amend the City's Charter to provide for district voting rather than at large voting;

WHEREAS, under the provisions of the Charter of the City of Whittier, California, the City Council has determined that a Special Municipal Election shall be held June 3, 2014 to submit Charter Amendments to the voters; and

WHEREAS, the City Council has determined to submit to the electorate the question of establishing a mayor position elected on a citywide basis and directing the City Council to establish four geographical Council Districts from which electors may be nominated and elected as a Council Member by residents of such Districts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. In conformance with the requirements of the City Charter and the laws of the State of California, there is called and ordered to be held in the City of Whittier, California, on Tuesday, June 3, 2014, a Special Municipal Election.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the Special Municipal Election the following question:

Shall Ordinance No. 3011 be approved to amend the City Charter to require the City Council to establish four equal, geographically based districts from which council members will be elected by residents of those districts to serve four year terms, and to establish a citywide elected mayor position to serve a two year term?	YES <hr/> NO
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SECTION 3. That the text of the complete measure and ordinance to be submitted to the voters is attached as Exhibit 1.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk-Treasurer is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk-Treasurer is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. The City Council authorizes the City Clerk-Treasurer to administer said Election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 9. The City Clerk-Treasurer shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 27th day of August 2013.


BOB HENDERSON, Mayor

ATTEST:


KATHRYN A. MARSHALL
City Clerk-Treasurer

Exhibit 1 – Proposed Ordinance No. 3011 relating to district elections and an elected mayor

ORDINANCE NO. 3011

AN ORDINANCE OF THE PEOPLE OF THE CITY OF
WHITTIER, CALIFORNIA, AMENDING SECTIONS 400
AND 404 OF THE CHARTER OF THE CITY OF WHITTIER
TO ESTABLISH A DIRECTLY ELECTED MAYOR AND BY-
DISTRICT ELECTION OF FOUR COUNCIL MEMBERS

WHEREAS, Whittier's City Charter, enacted by voters in 1957, provides for five city council members to be elected at large, with staggered terms of office, at municipal elections held on the second Tuesday in April of even numbered years;

WHEREAS, both state and federal law have changed since the adoption of the City's Charter, requiring a variety of actions to ensure fair and equal access to the electoral system by all citizens;

WHEREAS, the City takes special steps at each City election to ensure compliance with the federal and California Voting Rights Act, including establishing a Voting Rights Act Advisory Committee to review and implement a program of outreach to all eligible voters, preparation and distribution of ballot materials, registration and vote-by-mail materials, and election related information in several languages, publicizing the city elections, and promotion of registration and voting by all those eligible;

WHEREAS, the City Council has acted to enhance the City's voter outreach and Voting Rights Act compliance and has monitored both the City's program and election turnout and results to ensure that all Whittier citizens are equally able to participate in City elections and elect candidates of their choosing;

WHEREAS, Whittier citizens have recently raised concerns about whether the City's electoral system violates the California Voting Rights Act; and

WHEREAS, the City Council committed to and did study the issue in detail, and as a result of that study, have proposed a ballot measure before the City's voters to decide whether to amend the City's Charter to provide for a directly elected mayor and district voting rather than at large voting.

NOW THEREFORE THE PEOPLE OF THE CITY OF WHITTIER, CALIFORNIA,
DO ORDAIN AS FOLLOWS:

SECTION 1. Section 400 of the Whittier Charter is repealed and replaced in its entirety with the following:

SECTION 400. Elective Officers.

A. Officers. The elective officers of the city shall constitute a Council consisting of a mayor directly elected by the voters city-wide to serve a two year term, until his or her respective successor qualifies, and a city council of four additional members elected by district at the times and in the manner provided in this charter, each of whom shall serve for a term of four years and until their respective successors qualify.

B. Council Districts. The City is hereby divided into four (4) Council districts, to be determined by the City Council in any manner provided by law. Candidates for Council seats other than the Mayor shall be nominated and elected by such district and shall be residents of such district.

C. Changes in Boundaries of Council Districts. The boundaries of said Council districts, but not the number thereof, may be changed by ordinance adopted by the Council by a three-fifths (3/5) vote of all its members; provided, that districts established by the Council shall be as nearly equal in population and as geographically compact as practical. Boundaries shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census or on another basis adopted by three-fifths (3/5) vote of the total membership of the Council; however, the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of one hundred eighty (180) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to the City boundaries. After the Council has once exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by the Council.

D. Residency in Districts. The elected Mayor may reside within any council district of the City. Each member of the Council, excluding the Mayor, must also be a resident of the council district from which the member is nominated at the times the member is nominated and elected. In the event any member of the Council shall cease to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies. If a member of the Council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries of any district as in this Charter provided, the member shall not lose office during that term by reason of such change.

E. Current Office Holders. The five members of the city council in office at the time this section takes effect shall continue in office until their terms expire.

F. Council Elections Sequenced. The Mayor shall serve a two year term and the position of Mayor shall be elected commencing in the year 2016, and every two years thereafter. The members of the Council of the first and third Council districts shall be elected commencing in the year 2016 to the Council seats then open, and in each fourth year thereafter. The members of the Council of the second and fourth Council districts shall be elected commencing in the year 2018 to the Council seats then open, and in each fourth year thereafter.

G. Commencement of Terms of Office. The term of each member of the city council shall commence on the first Tuesday following his or her election. Ties in voting among candidates for office shall be settled by the casting of lots.

SECTION 2. Section 404 of the Whittier Charter is repealed and replaced in its entirety with the following:

SECTION 404. The Mayor; Mayor Pro Tempore.

A. Mayor. One of the three Council seats open at the first municipal election following the date on which this section takes effect shall be designated as the office of mayor, to be filled at the election. The person elected at the election as mayor shall hold office from the Tuesday succeeding his or her election and until his or her successor is elected and qualifies. Candidates for mayor may reside in any council district of the City, and all qualified voters of the city shall be able to vote for the office of Mayor. The elected mayor is a member of the city council and has all the powers and duties of a member of the city council.

The mayor may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be the official head of the city for all ceremonial purposes. He or she shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and, as occasion requires, he or she may inform the people of any major change in policy or program. He or she shall perform such other duties consistent with the office as may be prescribed by this charter or as may be imposed by the city council.

B. Mayor Pro Tem. On the first Tuesday following any general or special municipal election at which any council member is elected, the city council shall meet and shall elect one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the city council. The mayor pro tempore shall perform the duties of the mayor during his or her absence or disability.

SECTION 3. Should any section, subsection, clause or provision of this ordinance for any reason be held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance, it being hereby expressly declared that this ordinance, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this ordinance be declared invalid.

SECTION 4. After this ordinance amending the charter as provided for herein is approved by a majority vote of the voters, the Mayor and City Clerk-Treasurer shall certify that the charter amendment was submitted to the voters of the city and that it was approved by a majority vote. One copy of the approved charter amendment shall be filed with the County Recorder's office and one shall be kept in the City's archive. A third copy of the charter amendment shall be submitted by the City Clerk-Treasurer to the Secretary of State with (1) copies of all publications and notices in connection with the calling of the election; (2) certified copies of any arguments for or against the charter proposal which were mailed to the voters; (3) a certified abstract of the vote at the election on the charter amendment. The City Clerk-Treasurer shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. The charter amendment approved by this Ordinance will go into effect immediately after it has been filed and accepted by the Secretary of State.

APPROVED AND ADOPTED this ____ day of _____, 2014.

ATTEST:

_____, Mayor

KATHRYN A. MARSHALL
City Clerk-Treasurer



CITY OF WHITTIER)
) SS
STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing resolution was duly introduced and adopted at a regular meeting of the City Council of said City held on the 27th day of August 2013, by the following roll call vote:

AYES: J.A. Vinatieri F. Dutra O. Newcomer
 C. Warner R.L. Henderson

NOES: None

ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this

3rd day of September 2013.

Kathryn A. Marshall
KATHRYN A. MARSHALL
City Clerk-Treasurer

I HEREBY CERTIFY THIS TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT
ON FILE WITH THE CITY OF WHITTIER. WITNESS
MY HAND AND THE OFFICIAL SEAL OF THE CITY
OF WHITTIER THIS 4th DAY OF
September, 2013.
Marsha Morales
DEPUTY CITY CLERK

RESOLUTION NO. 8576

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 3, 2014, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Whittier, California, called a Special Municipal Election to be held June 3, 2014, for the purpose of submitting to the voters a proposed Charter amendment to establish a citywide directly elected mayor position and directing that council members be elected from geographical districts; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the statewide primary election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the Election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the election on Tuesday, June 3, 2014, for the purpose of submitting a measure to the voters. The measure is to appear on the ballot as follows:

Shall Ordinance No. 3011 be approved to amend the City Charter to require the City Council to establish four equal, geographically based districts from which council members will be elected by residents of those districts to serve four year terms, and to establish a citywide elected mayor position to serve a two year term?	<div>YES</div> <hr/> <div>NO</div>
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A majority of votes cast is required for passage of this measure.

SECTION 2. That the County Election Department is authorized to canvass the returns of the Special Municipal Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Whittier recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 5. That the City Clerk-Treasurer is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Los Angeles.

SECTION 6. The City Clerk-Treasurer shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 27th day of August 2013.


BOB HENDERSON, Mayor

ATTEST:


KATHRYN A. MARSHALL
City Clerk-Treasurer

CITY OF WHITTIER)
) SS
STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing resolution was duly introduced and adopted at a regular meeting of the City Council of said City held on the 27th day of August 2013, by the following roll call vote:

AYES: J.A. Vinatieri F. Dutra O. Newcomer
 C. Warner R.L. Henderson

NOES: None

ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this

3rd day of September 2013.

Kathryn A. Marshall
KATHRYN A. MARSHALL
City Clerk-Treasurer

I HEREBY CERTIFY THIS TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT
ON FILE WITH THE CITY OF WHITTIER. WITNESS
MY HAND AND THE OFFICIAL SEAL OF THE CITY
OF WHITTIER THIS 4th DAY OF
September, 2013.

Marsha Morales
DEPUTY CITY CLERK